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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,983	06/14/2001	Isaac K. Elliott	VON96046C1	6036

25537 7590 12/27/2006	EXAMINER	
VERIZON	PHAN, MAN U	
PATENT MANAGEMENT GROUP		
1515 N. COURTHOUSE ROAD	ART UNIT	PAPER NUMBER
SUITE 500		
ARLINGTON, VA 22201-2909	2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/879,983	ELLIOTT ET AL.
	Examiner	Art Unit	
	Man Phan	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 September 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

OFFICE ACTION

1.   This communication is in response to applicant's 09/21/2006 communications in the

application of Elliott et al. for a "System and method for providing requested quality of service in

a hybrid network" filed 06/14/2001.   This application is a continuation of US Application

08/751,917 filed November 18, 1996 is now US Patent# 6,335,927.   Claims 1-11 are pending in

the application.

Claim Rejections - 35 USC ' 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
>
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
>
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
>
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
>
> manner in which the invention was made.

3.   This application currently names joint inventors. In considering patentability of the claims

under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made absent any evidence to

the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

and invention dates of each claim that was not commonly owned at the time a later invention was

made in order for the examiner to consider the applicability of 35 U.S.C. 1038 and potential 35

U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al.
(US#6,298,120) in view of Andersen et al. (US#5,674,003).

Regarding claims 10-11, Civanlar et al. (US#6,298,120) and Andersen et al.
(US#5,674,003) disclose a novel system and method for responding to requests for quality of

services and reserving the resources to provide the requested QoS in a hybrid internet/ telephone

switch, according to the essential features of the claims. Civanlar et al. (US#6,298,120) disclose

in Fig. 3 a flow chart illustrated the steps performed by a client to complete a transaction over the

Internet which requires intelligent processing. First, in step 300, the client initiates

communication with the agent that functions in operative cooperation with the Internet (*media

communication over a hybrid network*). Next, in step 301, the client specifies to the agent one or

more desired service attributes which require intelligent processing. For purposes of illustration

service attributes may be classified into one of three categories: end-point attributes, path

attributes, and call attributes. End-point attributes include such attributes as the name and

network address of the destination station, the type of file transmission that is desired (e.g., one-

way transmission for file retrieval only or two-way file transfer), and the media to be employed

(e.g., audio, text, video, etc.). Path attributes specify the communication medium to be employed

(e.g., telephone network, ATM, frame relay, etc.) and the quality of service that is desired

(*resources for requested QoS*). Call attributes include billing preferences (e.g. specifying the

party who will pay for the call), the time and date at which the call is to be initiated, call

authentication requirements, and whether proxy services will be required to perform a task such

as downloading an application, for example (Col. 4, lines 36 plus). The agent establishes the

appropriate data path in step 302 upon receiving a call request having specified call attributes.

The agent communicates with various switches located in the networks of the originating client

and the destination client to properly established the communication session (*allocating*

necessary resources to provide the requested QoS). The agent may employ other end-point

stations to initiate the call set-up, or alternatively, the agent may designate a proxy to connect

originating and destination stations in those situations where communication formats between

the stations are not compatible. The agent performs these functions by maintaining an updated

database that includes the identification of end-point stations having the capability of providing

special service attributes, a list of the various service attributes available to the agent, and

available data paths. Finally, in step 303, after the connection has been established in accordance

with the service attributes requested by the client, the client communicates with the destination

station in a conventional manner (Col. 4, lines 58 plus).

In the same field of endeavor, Andersen et al. (US#5,674,003) teaches a method and

system for media communication between remote computer system interconnected by way of a

connection oriented telephony network, in which a socket based transport interface can be

utilized to establish communication channels between remote computers over a connection

oriented telephony network (*hybrid network communications*). A plurality of sockets are created

at each endpoint, one for each type of data stream to be transferred between the computers. The

sockets are formed into a group to indicate to the computer transport service provider that the

data streams from the sockets can utilize the same telephony connection, and a quality-of-service

specification is associated with the socket group so that the telephony connection can be

established according to the requirements of the socket group (*determining resources for requested QoS*). If a new data stream needs to be transmitted and there is already a telephony connection established, a new socket is created and added to the existing socket group. If the newly added socket significantly affects the quality-of-service requirements of the socket group, a new quality-of-service may be negotiated with the telephony network (See Fig. 5; Col. 2, lines 24 plus and Col. 16, lines 38 plus).

Regarding claims 1-9, they are method claims corresponding to the system claims 10-11 above. Therefore, claims 1-9 are analyzed and rejected as previously discussed with respect to claims 10-11.

One skilled in the art would have recognized the need for effectively and efficiently providing requested quality of service routing in networks, and would have applied Andersen's novel use of logical networks and a method for setting up a virtual connection to transfer packets through the router apparatus into Civanlar' quality of service parameters in hybrid network communications. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Andersen et al.'s mechanism for accessing unique features of telephony networks from a protocol-independent data transport interface into Civanlar et al.'s intelligent processing for establishing communication over the internet with the motivation being to provide a system and method for providing requested quality of service in a hybrid network.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Krisnaswamy et al. (US#5,999,525) is cited to show the method for video telephony over a hybrid network.

The Aldred et al. (US#5,719,942) is cited to show the system and method for establishing a communication channel over a heterogeneous network between a source node and a destination node.

The Dobbins et al. (US#5,790,546) is cited to show the method of transmitting data packets in a packet switched communications network.

The Crawley et al. (US#5,995,503) is cited to show the method and apparatus for providing QoS routing in a network.

The Crawley et al. (US#5,953,312) is cited to show the method and apparatus for determining alternate routes in a network using a connection oriented protocol.

The Katzela et al. (US#5,872,773) is cited to show the virtual trees routing protocol for an ATM based mobile network.

The Ayanoglu et al. (US#5,822,309) is cited to show the signaling and control architecture for an ad-hoc ATM LAN.

The Ayanoglu et al. (US#6,122,759 is cited to show the method and apparatus for restoration of an ATM network.

The Yamato (US#5,889,761) is cited to show the method and system for controlling cell transmission rate in ATM network using resource management cell.

The Chen (US#5,533,009) is cited to show the bandwidth management and access control for an ATM network.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to M. Phan whose telephone number is (571) 272-3149. The

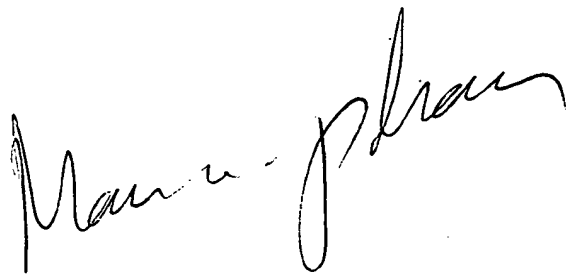examiner can normally be reached on Mon - Fri from 6:00 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wellington Chin, can be reached on (571) 272-3134. The fax phone number for the

organization where this application or proceeding is assigned is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the receptionist whose telephone number is (571) 272-2600.

10.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for

unpublished applications is available through Private PAIR only. For more information about

the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions on access to

the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-

9197.

Mphan

12/21/2006.